

Improvement Res. No. 982-1959

Vacation of the first and second alleys
west of Webster Street from the north
property line of Masterson Avenue to the
south property line of the first alley north
of Masterson Avenue.

Resolution Adopted:

Jan. 14, 1959

Confirmed:

Waivers Signed

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Feb. 23, 1959

982

B. O. 4-'59

DECLARATORY RESOLUTION NO. 982-1959

Which provides for the Vacation of the first and second alleys west of Webster Street from the north property line of Masterson Avenue to the south property line of the first alley north of Masterson Avenue.

PLANS ORDERED:

ADOPTED: Jan. 14, 1959

ADVERTISE NOTICE TO PROPERTY OWNERS: Waivers Signed

HEARING ON CONFIRMATION:

CONFIRMED:

ASSESSMENT ROLL ORDERED: Jan. 14, 1959

ASSESSMENT ROLL APPROVED: Feb. 2, 1959

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Mon., Feb. 23, 1959, 6:30 p.m. IST

NOTICES SERVED: Feb. 12, 1959

ASSESSMENT ROLL CONFIRMED: Feb. 23, 1959

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of the first and second alleys west of Webster Street from the north property line of Masterson Avenue to the south property line of the first alley north of Masterson Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first and second alleys west of Webster Street from the north property line of Masterson Avenue to the south property line of the first alley north of Masterson Avenue.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots 21, 32 & 33, Johnson's Addition. Said addition inclusive to the City of Fort Wayne, Indiana

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter of Section Eleven, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 14 DAY OF

1959

Attest:

Secretary Board of Public Works.

Chas. M. Pauling
Board of Public Works.



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P E T I T I O N

Fort Wayne, Ind.,—

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate on _____, from

to

respectfully petition for the passage of a resolution providing for the vacation of the first and second alleys west of Webster Street from the north property line of Masterson Avenue to the south property line of the first alley north of Masterson Avenue.

NAME

ADDRESS

PETITIONER

Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

39-387-6

B. O. 4-159

Date Jan. 14, 1959

To Mr. Edward Green, City Engineer,

Subject Declaratory 982-1959

Prepare Assessment Roll of Benefits and Damages, \$1.00 Benefits \$1.00 damages,
as there is no advertising costs involved. (Waivers were signed)

E. J. Gallmeyer
John Cooper
Orin M. Darling
BOARD OF PUBLIC WORKS
c
attach. Res. & P. O. List

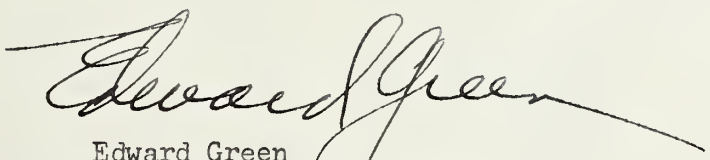
Signed _____

Reply:

January 28, 1959

Completed and attached.




Edward Green
City and Administrative Engineer

Signed EG/il
attachs. _____

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.

Chester L. & Ada G. Teeter

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot 32, E. 26' & $\frac{1}{2}$ Vac. Alley on east,
Johnsons Addition

wherein proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 30th day of December 1958

Ada G. Teeter
Surviving tenant by the
entireties of Chester L.
Teeter, deceased.

Gene V. & Modesta F. Lordier,

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot 32, W. 73' & $\frac{1}{2}$ Vac. alley on west
Johnsons Addition

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 9th day of January, 1959.

Gene V. Lordier

Modesta F. Lordier

George J. & Ruth S. Garenter
CARPENTER

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot 33, E. 65' & $\frac{1}{2}$ Vac. Alley on east
Johnsons Addition

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 12th day of June 1959

George J. Carpenter

Ruth S. Carpenter

Elmer N. & Louise M. Landis

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot 21 & $\frac{1}{2}$ Vac. Alley on west
Johnsons Addition

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 29th day of December 1958

Elmer N. Landis
Louise Landis

MEYERS & GORDON
LAWYERS

317-19 GETTLE BUILDING
FORT WAYNE 2, INDIANA

December 15th, 1958

Mr. Luther Hallett
City Hall
Fort Wayne, Indiana

Dear Mr. Hallett:

We are enclosing herewith, at your suggestion, a letter briefly outlining the situation in connection with the vacation of certain alleys therein described about which we made some lengthy research recently.

When the waivers are ready, I would appreciate your calling our office so as we can pick one up and sent it to our client, Ada G. Teeter, who is presently in Florida, for her signature and return.

Respectfully yours,

MEYERS & GORDON


Robert K. Gordon

RKG:mf
Encl.

MEYERS & GORDON
LAWYERS

317-19 GETTLE BUILDING
FORT WAYNE 2, INDIANA

December 15th, 1958

Board of Public Works
City Hall
Fort Wayne, Indiana

Re: Vacation of each of the 11 foot alleys running from the North line of Masterson Avenue (formerly Dawson Street) to the South line of the alley running East and West between Webster Street and Hoagland Avenue, Fort Wayne, Indiana, adjoining Lots 21, 32, 33 and 34 Johnson's Addition to the City of Fort Wayne.

Gentlemen:

This letter is written for the purpose of giving the Board of Public Works of the City of Fort Wayne, Indiana, some historical background concerning and in connection with a petition for the vacation of subject alleys.

1. The City Engineer's office informs that these alleys have been vacated. However, the record of such vacation can not be documented.
2. The abstract for the East 26 feet of Lot 32 Johnson's Addition, together with half of the vacated alley on the West thereof indicates:
 - (a) That it was, under Improvement Resolution No. 709, dated September 26th, 1912, assessed for the paving of Dawson Street (now Masterson Avenue);
 - (b) That by deed dated May 24th, 1920, the then owner conveyed the East $\frac{1}{2}$ of the East 52 feet of Lot No. 32, together with the West half of the vacated alley, adjoining said lot on the East, in Johnson's Addition to the grantee in said deed;
 - (c) That, beginning at least on May 24th, 1920, the date of the aforesaid deed, and continuing down to the present time, the prior owners, together with the present owner, of that part of Lot 32 Johnson's Addition, have been assessed, not only on the real estate conveyed, but on the vacated alley adjoining same on the West.

12/15/58

3. From a personal search made by the writer of the records in the Township Assessor's and Auditor's offices, it is a fact that the present owners of the remaining portion of said Lot 32 and Lots 21, 33 and 34 Johnson's Addition, adjoining the alleys in question, are likewise assessed for half of the vacated alley adjoining.

Assuming that these alleys have in fact been vacated many years ago but absence of the record of such proceedings casts a cloud upon the title to the real estate adjoining such alleys, and by reason of the above, necessity exists for proceedings to vacate the same.

It would also appear from an examination of the plat of Johnson's Addition, and from the writer's personal inspection of the lots in question, that there is no necessity, private or public, for the existence of such alleys as plated in view of the alley running East and West between Webster Street and Hoagland Avenue, the south line of which is the North property line of Lots 21, 32, 33 and 34 Johnson's Addition.

Accordingly the Board of Public Works of the City of Fort Wayne, by virtue of its power as such Board, is requested to take all necessary proceedings in order that such alleys be vacated so that a permanent public record thereof be available.

Respectfully yours,

MEYERS & GORDON


Robert K. Gordon

RKG:mf

December 15th, 1958

Board of Public Works
City Hall
Fort Wayne, Indiana

Re: Vacation of each of the 11 foot alleys running from the North line of Masterson Avenue (formerly Dawson Street) to the South line of the alley running East and West between Webster Street and Hoagland Avenue, Fort Wayne, Indiana, adjoining Lots 21, 32, 33 and 34 Johnson's Addition to the City of Fort Wayne.

Gentlemen:

This letter is written for the purpose of giving the Board of Public Works of the City of Fort Wayne, Indiana, some historical background concerning and in connection with a petition for the vacation of subject alleys.

1. The City Engineer's office informs that these alleys have been vacated. However, the record of such vacation can not be documented.
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 - (a) That it was, under Improvement Resolution No. 709, dated September 26th, 1912, assessed for the paving of Dawson Street (now Masterson Avenue);
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 - (c) That, beginning at least on May 24th, 1920, the date of the aforesaid deed, and continuing down to the present time, the prior owners, together with the present owner, of that part of Lot 32 Johnson's Addition, have been assessed, not only on the real estate conveyed, but on the vacated alley adjoining same on the West.

12/15/58

3. From a personal search made by the writer of the records in the Township Assessor's and Auditor's offices, it is a fact that the present owners of the remaining portion of said Lot 32 and Lots 21, 33 and 34 Johnson's Addition, adjoining the alleys in question, are likewise assessed for half of the vacated alley adjoining.

Assuming that these alleys have in fact been vacated many years ago but absence of the record of such proceedings casts a cloud upon the title to the real estate adjoining such alleys, and by reason of the above, necessity exists for proceedings to vacate the same.

It would also appear from an examination of the plat of Johnson's Addition, and from the writer's personal inspection of the lots in question, that there is no necessity, private or public, for the existence of such alleys as platted in view of the alley running East and West between Webster Street and Hoagland Avenue, the south line of which is the North property line of Lots 21, 32, 33 and 34 Johnson's Addition.

Accordingly the Board of Public Works of the City of Fort Wayne, by virtue of its power as such Board, is requested to take all necessary proceedings in order that such alleys be vacated so that a permanent public record thereof be available.

Respectfully yours,

MEYERS & GORDON

Robert K. Gordon

RKG:mf

MEYERS & GORDON

LAWYERS

317-19 GETTLE BUILDING
FORT WAYNE 2, INDIANA

January 5th, 1959

Board of Public Works
City Hall
Fort Wayne, Indiana

Attn: Mr. Luther Hallett, Secretary

Gentlemen:

Enclosed herewith we are sending you Waiver of notice in connection with the vacation of an alley in Johnsons Addition as set out in Resolution No. 982 of the Board of Public Works of the City of Fort Wayne, Indiana, which has been signed by Mrs. Ada G. Teeter, surviving tenant by the entirety of Chester L. Teeter, deceased, owners of the East 26' of Lot 32, and $\frac{1}{2}$ vacated alley on east, in said Johnsons Addition.

Respectfully yours,

MEYERS & GORDON


Robert K. Gordon

F
Encl.

illegible on record of deed.

See Item #4

Recorded Dec 7-1859

Deed Record "X" Page 538

The name of Dawson St Changed
to Masterson Ave by Comm Order

Gen'l Ord. #1474 6/14/29

illegible between Gene V + Modesta F ~~Lordier~~ Lordier
East Half & W. half of Carenter which is now
owned by Dr Foy

do each and all petition the Board of Public Works to adopt a final resolution for the construction of said sidewalk; we do each and all of us waive any notice of such final resolution or order, do hereby waive and release our rights to individually construct or have constructed said sidewalk, do hereby waive the thirty day period given to us and each of us within which to construct said proposed sidewalk and do hereby petition and ask said Board of Public Works to have constructed said proposed sidewalk under any lawful and existing general contract said Board of Public Works may have in force and effect or to construct or have constructed said proposed sidewalk under open bid for such work if said Board of Public Works shall so elect.

Dated this _____ day of _____, 1958.

336
Huber R. & Mary E. Monteith

Not not signed

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot No. 33 W. 60' Johnsons Addition

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this _____ day of _____, 1958.

Huber R. & Mary E. Monteith

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the vacation of the following described alley located in the City of Fort Wayne, Indiana, to-wit:

Lot No. 33 W. 60' Johnsons Addition

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 982, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this _____ day of _____, 1958.

FRANKLIN WILLISON R + CLARA M.
WILL NOT SIGN

MONTEITH, HUBER R. + MARY E.
WILL NOT SIGN

PRARIE VIEW AVENUE & BAER RD.

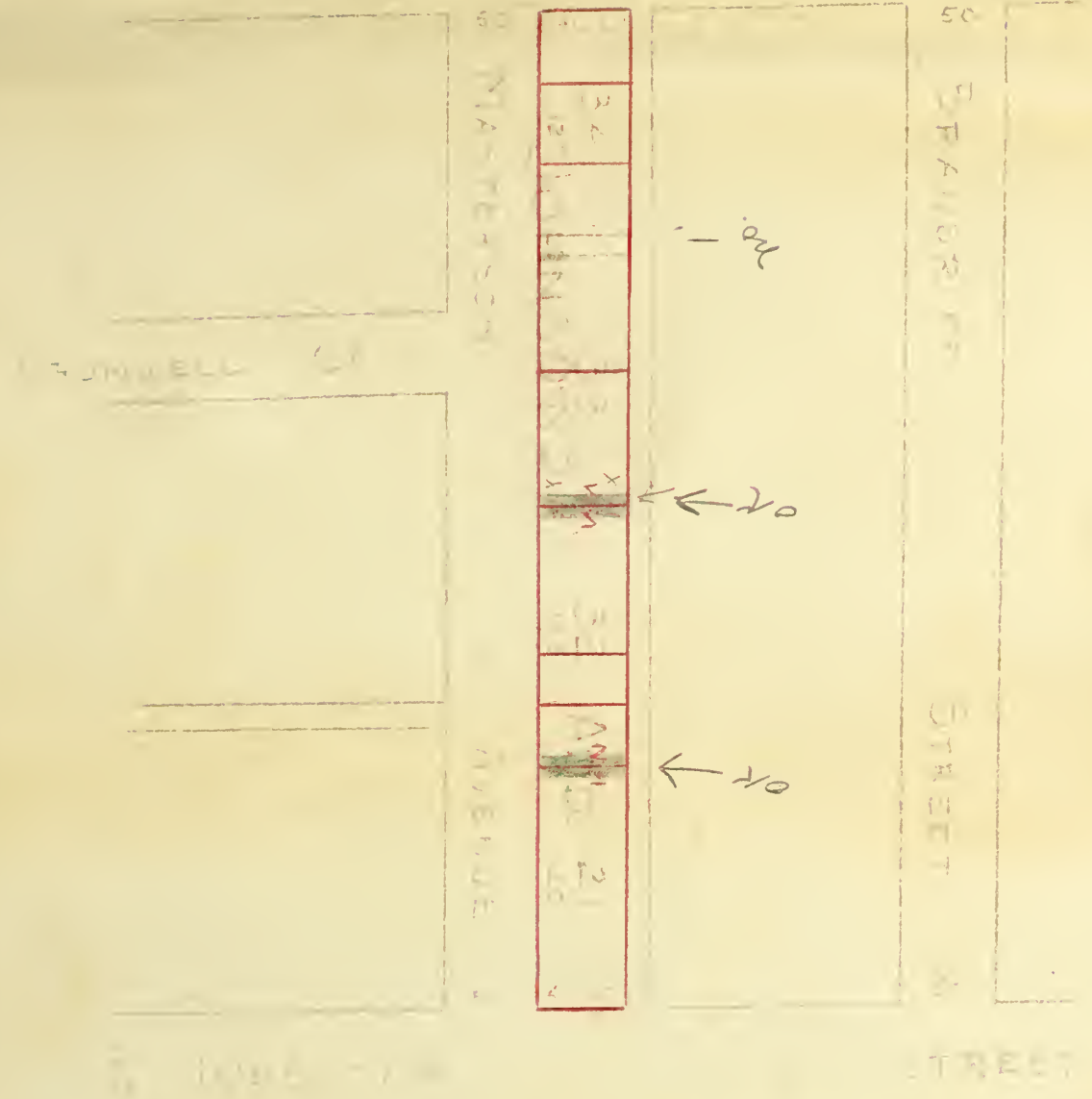
240

APPROX
1.04 ACR

225.49



HOAGLAND AVENUE



TO BE VACATED






 To Be VACATED

OWNERS NAME	ADDRESS	LOT	ADDITION
FRANKLIN, COLLETON & CLARA M.	34 - E. 32' 67' 4 11'	JOHNSONS	ADD
ALLEY on East			
MONTITH, HUBER R & MARY E.	33 - E. 66'		"
CARPENTER, GEORGE J. & RUTH S.	33 - E. 65' 8 1/2' Vac Alley on East		"
LORDIER, GENE V & MODESTA F.	32 - W. 73' 8 1/2' Vac Alley on West		"
TEETER, CHESTER L & ADA C. ^{3/4 Wayne & Barbara} 319 1/2 W. 11 1/2	32 - E. 26' 8 1/2' Vac Alley on East		"
LANDIS, ELMER N & LOUISE M.	21 - 8 1/2' Vac Alley on West		"
<p>FOR THE VACATION OF THE THREE ALLEYS BETWEEN WEBSTER STREET AND HOAGLAND AVENUE FROM THE NORTH PROPERTY LINE OF MASTERSON AVENUE TO THE SOUTH PROPERTY LINE OF THE FIRST ALLEY NORTH OF MASTERSON AVENUE.</p> <p>982</p>			
Total			

NOTE

TEMPORARY PROPERTY OWNERSHIP LIST

I hereby certify that the above Estimate is correct

City Civil Engineer

Based upon the Contract of _____

Contractor—;

Approved by the Board of Public Works the

day of _____ 19____

Recorded in Street and Alley Improvement

Record No. _____ Page _____ De-
partment of Public Works, City of Fort Wayne,
Indiana

Board of Public Works.

Filed in the office of the Comptroller, this

day of _____ 19____

Comptroller.

FORT WAYNE PRINTING CO., FORT WAYNE, IND.

982